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DEPARTMENT OF REGULATION AND LICENSING

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Reminders to Private Security Personnel

1. You may not practice as a private security person until you have a permit. The Department advises employers to always insist on seeing the actual private security permit of a potential employee before putting the person to work. This continues to be a serious problem.
2. You or your employer must notify the Department when you leave the employment of a private security company and either transfer to the employment of another private security company or cease working as a private security person.
3. If you receive a firearms permit from the Department, you may only carry a firearm while on duty and in uniform.
4. You may not carry a concealed weapon, unless you are a peace officer. If you violate this law, you can be charged with a Class A misdemeanor.

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5. If you hold a firearms permit from the Department and carry a firearm while on duty as a private security person, you may not go armed in any building owned or leased by the state of Wisconsin or any political subdivision of the state. If you violate this law, you may be convicted of a Class B misdemeanor.

6. Ushers who do not have a private security permit may not have "security" on their uniform.

7. You must wear a uniform while on duty, except that a licensed private detective may provide private security in plain clothes.

8. When on duty, you must wear an ID or name tag that's clearly visible to the public.

Biennial Budget Bill

License Fees. The Biennial Budget Bill was passed and enacted as 2001 Wisconsin Act 16. The Bill increased original license fees for all the professions regulated by the Department and its boards from \$44 to \$53. It also increased the renewal fees of private detective agencies from \$47 to \$53 and private security persons from \$49 to \$53.

Licensing Changes. In the last issue of the Regulatory Digest we explained at great length the proposed changes that the Department was seeking in the Biennial Budget Bill. All of these changes fell by the wayside, as the Joint Finance Committee and the Legislature worked on the bill. Therefore, the Department will try to get them passed as a separate bill in 2002. If we are unsuccessful in 2002, we will have to consider trying again in the 2003-2004 Legislature.

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The Department is still attempting to obtain the statutory changes, relating to private security applications and other licensing issues. The Department would like to remove the words "directly or indirectly" (Remove the phrase "directly or indirectly" from the exemption provision in Wis. Stat. § 440.26 (5) (b), to retain an exemption for a person to "employed by the state or a municipality," to renumber the sections in Wis. Stat. § 440.26., to provide authority for the Department to adopt rules relating to training and education as a requirement for a private security permit and for continuing education for private security persons and private detectives as a condition for renewal, to change the renewal dates for private detective agencies to even the workload for the department, and to create a separate license for employers of private security personnel.

Processing of Private Security Permits

Following the terrorist attacks of September 11, 2001, the Department reviewed its procedures for issuance of private security permits. The Department subsequently eliminated the issuance of conditional permits to applicants for a private security permit; however, continued to issue temporary permits after having received a satisfactory criminal record report from the Wisconsin Crime Information Bureau (CIB), but before having received a report from the FBI.

The Department had developed the procedures for a conditional permit several years ago, whereby the applicant signed an affidavit and agreed to receive a permit before the Department had received an FBI report. The applicant further agreed that the Department could revoke the permit without a hearing, if the FBI report showed a felony conviction.

While the temporary permit still results in the granting of a permit before the receipt of an FBI report, the Department is required by statute to grant such 30-day permits.

Fingerprint Cards and FBI Reports

With the elimination of the conditional permits for private security personnel and the 30-day limitation on temporary permits, the speed at which the FBI is able to send criminal record reports to the Department has become a critical issue for private security companies. Technically, if the FBI report does not reach the Department by the end of the 30-day temporary permit, the permit holder cannot legally engage in the practice of a private security person until he or she has received a regular permit.

Representatives of the Department and the CIB met to explore ways to speed up the FBI reporting process. The first step was for both departments to make the highest priority of sending fingerprints to the FBI. The second step will be to send fingerprints electronically to the FBI. This will dramatically shorten the time for receiving a report; however, both agencies will have to acquire fingerprint scanning equipment.

Looking at the last two batches of fingerprint cards sent to the FBI immediately before the preparation of this newsletter, out of 125 fingerprints sent to the FBI, the Department received 100 FBI reports within 30 days and 121 FBI reports within 33 days.

Summary of Private Security Regulation

The Department recently prepared the following article for publication in the Wisconsin Law Enforcement Bulletin.

The Wisconsin Department of Regulation and Licensing (DRL) has prepared this article to help law enforcement officers effectively interact with private security personnel.

Types of Private Security Personnel. From a regulatory perspective, there are two types of private security personnel in Wisconsin: proprietary security and contract security. Proprietary security personnel are individuals who are **employed** by a business establishment or a governmental agency for the purpose of providing security services for their employer. Contract security personnel are individuals who are employed by a licensed private security company that contracts with persons or companies to provide security services for them.

Licenses and Permits. Proprietary security personnel are exempt from obtaining a private security permit from the DRL, regardless of whether they are armed or unarmed. Contract security companies must be licensed by the DRL. They must obtain a private detective agency license. Each person employed by a private security company to provide private security services must obtain a permit from the DRL. Some private security companies also employ ushers, ticket-takers or event attendants. These people are not required to obtain a permit from the DRL. Sometimes the line between ushering-type and security-type services appears to be rather thin; however, the bottom line is that any non-proprietary security person who wears clothing, a badge or lettering that identifies the person as a security person must have a private security permit from DRL.

Qualifications For a Permit. The DRL must deny a private security permit to an applicant who has been convicted of a felony and not pardoned. However, the DRL frequently denies a permit to applicants who have been convicted of misdemeanors that are substantially related to private security work. At the present time private security personnel are not required to obtain any pre-license education or pass an examination; however, an advisory committee has recommended that the DRL should require private security companies to provide 8 hours of pre-license education as a condition for obtaining a permit.

Inquiries as to Persons Who Hold a Permit. The DRL issues a wallet-size certificate and a wall certificate to private security companies and to private security personnel. The certificate contains the person's name and the expiration date. However, it does not contain a photograph of the person. If you would like to contact the DRL to verify whether a person holds a current permit, you can conveniently check the following Web site any time, day or night: <http://www.drl.state.wi.us/>. Click on "Business and Professional License Lookup" and look under business licenses on the next screen. You may click on this same Web site for more information about licensing or permit requirements.

Firearms and Other Dangerous Weapons. Some contract security personnel carry a firearm when providing private security services. If so, they must have received a firearms permit from the DRL. The firearms permit looks much like the private security permit. A firearms permit is only valid for carrying a firearm for a specific private security company. The DRL grants firearms permits to private security personnel who have completed a 36-hour firearms training course and who complete a 6-hour refresher course every year. A private security company may not arm its private security personnel with a firearm, unless the company and each of its clients agree in writing that the agency will assign armed security personnel to the client. Private security personnel may not carry a concealed firearm, unless they are law enforcement officers. However, private security personnel may carry a loaded firearm in a vehicle (see Wis. Stat. s. 167.31 (4) and s. RL 34.011, Wis.

Admin. Code), provided that they have received both a private security permit and a firearms permit from the DRL, they are performing assigned duties or responsibilities, they are wearing a uniform that clearly identifies them as a private security person, and the firearm is in plain view. Private security personnel may carry and use pepper spray, a baton and handcuffs. However, they may not carry a replica of a firearm when on duty. Private security personnel may only detain people until the police have arrived and may not transport offenders to another location.

Uniforms and Identification. The rules of the DRL allow for quite a bit of flexibility regarding uniforms. In some locations, like a hospital, private security personnel may want to be more low-key and wear something like a blazer. In other locations there may be a desire to have highly-visible security personnel with the full military-type uniform. The rules of the DRL define “uniform” as any clothing, badge, patch or lettering which clearly identifies to the public a person being a security person. The rules also require private security personnel to have an identification or name tag which must, at a minimum, contain the person’s name, number or other information which clearly identifies the person and the **private security company**, or the person and the entity contracting with the private security company. The identification or name tag must be visible to the public at all times. A private security person may not provide services in plain clothes and without visible identification, unless he or she is licensed as a private detective.

For more information or to file a complaint, you may call the DRL Private Security Office at (608) 266-5511 or write to the Department at P.O. Box 8935, Madison, WI 53708.

Disciplinary Actions

RALPH J. WILLIAMS, JR.

MADISON WI

REVOKED

Issued a conditional private security permit conditioned upon successful completion of a FBI background search. The department received information that he had been convicted of felony – theft-movable property and is not eligible for a permit. Effective 12/7/2001.

LEONARD K. BROWN

MILWAUKEE WI

REVOKED

Granted a limited private security permit registration. He was required to file quarterly reports with the department providing information concerning his employment, arrest and conviction record and job performance. Failed to comply with the limitation and his limited private security permit and firearms certification are revoked. Effective 12/13/2001.

LOGAN M. KROLL

OSHKOSH WI

VOLUNTARY SURRENDER

Pled no contest to two counts of carrying a concealed weapon, class A misdemeanors. Voluntarily surrenders his private security person permits and his right to renew. Effective 10/12/2001. Secs. 440.11(1), 440.26(4m)(a)-(b), (6)(a), Stats. RL 35.01(2),(8). Case #LS0110122RSG.

BILLY B. HODGES

WILMINGTON NC

REVOKED

Issued a conditional private security permit conditioned upon successful completion of a FBI background search. The report indicates that he has an arrest and conviction record from criminal mischief (1990), harassment (1995), harassment (2 counts in 1999), and criminal conviction of a restraining order. Effective 8/21/2001. Case #LS0108211RSG.

MATTHEW W. SCOTT

MILWAUKEE WI

REVOKED

In May, 2001, convicted in Milwaukee County Circuit Court of three charges of Felony Possession of Child Pornography. Effective 9/27/2001.

DAVID K. MAYER

PLYMOUTH WI

LIMITED

Made a false statement in his application for a permit, had violated local ordinances and had worked as a private security person without a permit. His permit is limited in that he is required to notify the department in writing within 5 days of obtaining, terminating or changing employment as a private security person. This limitation is in effect until January 1, 2003. Effective 10/2/2001. Case #LS0105311RSG.

JEROME BAILEY

COLUMBIA SC

REVOKED

Granted a conditional private security permit conditioned upon successful completion of a FBI background search. Was convicted of crimes in South Carolina: misdemeanor-shoplifting, felony-auto breaking and grand larceny, misdemeanor-disorderly conduct, misdemeanor-loitering for the purpose of selling drugs. Made a false statement on his application for a permit, and failed to notify the department of any conviction. Effective 5/31/2001. Case #LS0105212RSG

JUSTIN L. JOHNSON

PARSONS KS

REVOKED

Issued a conditional private security permit conditioned upon successful completion of a FBI background search. Was convicted in Kansas: felony-driving while license suspended, felony-criminal possession of a firearm, felony-conspiracy to commit aggravated assault. Made a false statement on his application for a permit and failed to notify the department of any convictions. Effective 6/7/2001. Case #LS0105291RSG

LARRY A. RALEY

EVANSVILLE WI

REVOKED

Issued a conditional private security permit conditioned upon successful completion of a FBI background search. Was convicted of felony-grand larceny. Effective 6/9/2001. Case #LS0105301RSG

KATHEREEN M. WILLIAMS

MILWAUKEE WI

REVOKED

Issued a conditional private security permit conditioned upon successful completion of a FBI background search. Was convicted of felony-receiving stolen property. Effective 6/10/2001. Case #LS0105311RSG

DANIEL J. CARROLL

RAEFORD NC

REVOKED

Issued a temporary conditional private security permit conditioned upon successful completion of a FBI background search. Convicted of felony-obtain controlled substance by altered prescriptions. Effective 5/25/2001. Case #LS0105151RSG

NORMAN F. HEARD

MADISON WI

REVOKED

Issued a conditional private security permit conditioned upon successful completion of a FBI background search. Convicted of felony-two counts of distribution of heroin and conspiracy to distribute heroin. Effective 5/17/2001. Case #LS0105072RSG

DYONTA O. QUARLES

UPPER MARLBORO MD

REVOKED

Issued a conditional private security permit conditioned upon successful completion of a FBI background search. Convicted of felony-three counts-conspiracy to robbery, accessory after the fact to murder while armed and second degree murder while armed. Effective 6/17/2001. Case #LS0105081RSG

JOSHUA A. CROUCH

KENOSHA WI

REVOKED

Issued a conditional private security permit conditioned upon successful completion of a FBI background search. He is a registered sex offender, with an arrest and conviction record for indecent liberty with a child (1994) and theft/deception (1999). Effective 5/11/2001. Case #LS0105011RSG

EDDIE J. WALLACE

RACINE WI

REVOKED

Issued a conditional private security permit conditioned upon successful completion of a FBI background search. Was convicted of felony-pickpocket, felony-criminal sexual assault. Is a registered sexual offender in Illinois. Effective 5/17/2001. Case #LS0105073RSG

REGULATORY DIGEST

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New Telephone Directory

The Department of Regulation and Licensing has recently implemented an IVR Auto-Attendant Telephone System. This system may be accessed 24 hours a day for computerized licensing information. We ask for your patience as we perfect the system and remove some of the bugs we have encountered. You may continue to dial the following telephone number; **however, the extension numbers that had been published in past issues of the Regulatory Digest are no longer valid.** Please listen to the new menu for the new extension numbers. The number to dial is:

(608) 266-5511

Visit the Department's Web Site

www.drl.state.wi.us

For our new "Online Verification of Credential Holders" click on the "Business and Professional License Lookup" button on the Department's home page.

Copies of the Regulatory Digest are on the Web.

Send comments to web@drl.state.wi.us

Wisconsin Statutes and Code

Copies of the Wisconsin Statutes and Administrative Rules Relating to the Practice of Private Detectives and Private Security Personnel can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated April 2001.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided, but may be verified by calling the Bureau office one week after mailing the changes.

SECTION 440.11, STATS., ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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